Public (Political) (1949) Department.

Ks SERIES.

G.O. NO. 2701

Dated 12/8/49.

Issued.
15/8/49. Cen 16/81

[Despatch Abstract.]

States - Sandur - Kenen - Offences under Sandur Arms Act - Prosecution - Sanctioned - Papers recorded.

Ref.C.No.4447/49 C.C. Dated. 26-4-49.

From E.C. Allardice Esq.,I.C.S.,
Collector , Bellary.

To THE CHIEF SECRETARY TO GOVERNMENT,
Fort St.George, Madras.
M A D R A S .

ASSISTANT SECRETARY TO GOVT.
2666
28 APR 1949
CHIEF SECRETARIAT

Sub:- States- Sandur State - Offences under the Arms Act- Prosecution - Sanction.

Ref:- From the Special Officer, Sandur D.Dis.No.139/49-B(SC) dated 9-4-49.

****

The Special Sub-Inspector of Police, Sandur has reported to me that one Jagannatha Rao, son of Sri.S.B.Shroff ,Sandur, aged twenty years took the D.B.B.L.gun of his father (L.No.307/7[illegible]) on 1-4-49 and shot a stag in the Sandur forests. He has no licence of his own and has therefore committed the offence of possessing a fire arm with a licence, punishable under section 15(f) of the Sandur Arms Act.

2 The Special Officer, Sandur recommends for the prosecution of the accused for the above offence. Under section 25 of the above Act, the District Magistrate Sandur is the competent authority for sanctioning prosecution for offences under section 15(f) of the Act. As I have not been specifically empowered in this behalf, I am of the opinion that my approval for the prosecution may not be legally valid. I therefore request that the Government may be pleased to accord sanction for the prosecution of the said Jagannatha Rao under section 15(f) of the Sandur Arms Act.

3 The weapon has been seized from the accused and kept in Police custody. The licence of the weapon has also been seized and I am taking steps to cancel the licence.

4 I may submit to the Government, that pending merger of the State it is quite likely that many such instances which require, under Sandur Rules, the approval of the District Magistrate, Sandur, may come up for consideration and Government's sanction will be necessary in all such cases, unless I am empowered to exercise all the powers of the District Magistrate under the State [illegible] lations. To avoid too many references to Government on such

No. 4447 /49 C.C. Dated. 25-5-49.

2A

From E.C. ALLARDICE ESQ.,I.C.S.,
COLLECTOR, BELLARY.

TO THE CHIEF SECRETARY TO GOVERNMENT
FORT ST.GEORGE MADRAS.

Sir,

Sub:- STATES- SANDUR STATE - OFFENCES UNDER THE ARMS ACT PROTECTION ORDERS REQUESTED.

Ref:- This Office Ref.C.No.4447/49 C.C.Dated.26-4-49.

I invite your kind attention to my reference cited and request early orders in the matter.

25/5/49

COLLECTOR, BELLARY.
CAMP:-Harapanahalli.

hvr.25/5

Public (Political) Department

Memo no Q666/49 dated

Sub:- States - Kurgu - Sandur. Offences under the Arms Act prosecution - Orders -

Ref:- From the Collector of Bellary, No. 4447/49 C.C.D 23/5/49

With reference to the letter cited, the Collector of Bellary is informed that the matter is under consideration and orders on the subject will issue shortly.

1/6/49 Cee 2-6-49 [illegible] 1/6/49

To: The Collector of Bellary
Bellary.

Note:- Submitted that the file relating to the subject was now put up. It may take some time to issue orders. An interim reply may be sent to the Collector of Bellary, draft memo above is for approval.

1/6/49 Cee 2-6-49

12158/49

3/

Home Deptt

Cipher 50696G/49

Memo No 50696-G/49-2. dated 2-7-49

States- Sandur- Arms Act- offences under- Prosecution - Sanction.

Refce:- Letter from the DM. Bellary C.No HHHT/49 C.C.d 26-H-49

The DM Bellary is requested to forward not later than 11-7-49 a copy of the Sandur Arms Act and Rules as in force in the State

Pg 2/7/49

To
The DM. Bellary.
RD 12-7-49.

Dispd 2/7/49.

30/6/49

5

Rego Post-

G

ASSISTANT SECRETARY TO GOVERNMENT
9 - JUL 1949
Revenue Department.
HOME DEPARTMENT

62837
G917
91

From
E.C.Allardice Esq.I.C.S.
District Magistrate,
B e l l a r y.

To
The Secretary to Government
Home Department, Fort St.George
M a d r a s.

R.C. 4447/49 CC dated 5-7-49.

Sir,

Sub; - States - Sandur - Arms Act - offences and prosecution copyof Sandur Arms Act and Rules thereunder - submitted.

Ref; - Government Memorandum No. 50696.G.49.2. dated 2-7-49

I enclose herewith a copy of "The Sandur Arms Law Manual" which contains the Sandur Arms Act I of 1933, Sandur Arms Rules, 1933 and orders and notifications issued thereunder. I request that it may be returned after done with as it is the only copy available.

snr. 6.7.

for District Magistrate. 6.7.49

Public (Political) department

Memo no. 4310/49-2 dated 2/8/49

Sub: States - Sandur - Ranger - Offences under the Sandur Arms Act - Prosecution - sanction - Authorisation.

Ref: From the collector of Bellary, Rep. C. No. 4447/49 C.C. d 26/4/1949.

~~G.O. Ms. No. 2149, Pub (Pol), d 6/7/1949.~~

With reference to his letter cited, the collector of Bellary is informed that ~~in view of~~ the general orders issued in G.O. Ms. No. 2149, Pub (Pol), d 6/7/49, with which he is ~~to be~~ ~~is~~ fully conversant, ~~that~~ no separate authorisation to ~~the D.R., Bellary~~ him to exercise the powers of D.R. under the Sandur Arms Act is necessary. He is, therefore, ~~the collector of Bellary is~~ requested to take ~~necessary~~ steps to launch a prosecution against ~~one~~ Yagannatha Rao under section 15(1) of the Sandur Arms Act for the offence of possessing a fire arm without a licence.

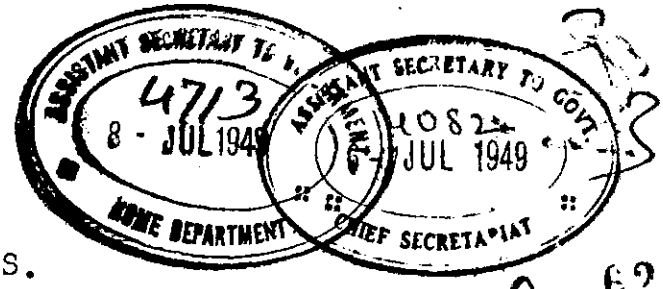
2. ~~The~~ One copy of the "Sandur Arms Law Manual" sent to government for reference along with his letter no R.C. 4447/49 C.C d 5/7/49 is returned herewith. Its receipt may be acknowledged.

Cur 20.7.49.

22/7/49

2: The Collr. of Bellary, Bellary (with a copy)

Copy to Home Dept.



From
B.C.Allardice Esq.I.C.S.
Collector,Bellary.

G.O. 62472 12.7.49

To
The Chief Secretary to Government
Fort St.George, Madras.

Rc.4447/49 CC dated 4-7-49.

Sir,

Sub; - 1. This office McRo.4447/49 CC dated 26-4-49
2. Government Memo No. 2666/49.2 Public (Political) department, dated 4-6-49.

I request that orders passed, if any, on the subject referred to in the above quoted reference may kindly be communicate to me at an early date.

snr. 4.7.

Collector.

Public (Political) department

Home u.o. in continuation of this dept. u.o.no 2666/49-3 dt 6/6/49

war department may be requested to send an interim reply to 1 Collector of Bellary, if necessary.

16/7/49

A. G

The main file bearing C No 50696 6/49. referred to above was returned to Pub (Pol) through Legal dept. This may be referred to Public (Pol) through Legal in continuation of this dept. no. no: 50696 6/69.3 d 13.7.49

Legal Pub (Pol).

A/R 16/7 16.7.49

A.S.I.

The file returned above has been passed on to [illegible] this dept. u/o note dt. 16.7.49. With this information this may be returned to the Public Dept.

PR 20/7/49 Kpr 20/7/49

1277/69

67.672 9/69-1

1277/69

ASSISTANT SECRETARY 9131 18 JUL 1949 LEGAL DEPARTMENT

5093
16 MAR 1949

From
Khan Sahib Syed Md.Nakhuda Sahib Bhadur, M.A. B.L.,
Collector of Bellary.

To
The Chief Secretary To Government,
Fort St.George, Madras.

Rc.No.4447/49 Dated 16---3----49.

Sir,

Sub: States--Sandur--merger--Offences under Sandur Arms Act--Sandur Arms Law Manual acknowledged.

****

Ref: Government memo No.4310/49 2 Public (political) Department D.2.3.49.

****

I acknowledge the receipt of theSandur Arms Law Manual sent with the Government memorandum cited above.

For collector.

KSRC.17.3.kg/18/3.

Public (Pol) Debt

2.4/49. States - Sandur - Offences under the Arms Act - Prosecution.

From the Collector of Bellary - No. C. 44407/49. dt. 26.4.49.

Cf.

Please see the proposals from the Collector of Bellary in the Cf. He requests that (i) sanction may be accorded for the prosecution of one Jagannath Rao under Sec. 15(b) of the Sandur Arms Act & (ii) that pending merger of the Sandur State he may be authorised to exercise the powers of the Dt. Magistrate Sandur, the three Members of the State Executive Council & the Secretaries to the govt. of Sandur.

Para 1-2 p.1 Cf

Para 4 p.p 1-2 Cf

2. Item (ii) above. The State has since merged with the Indian Union with effect from 1.4.49. It therefore seems that the Govt may, under the powers delegated to them by the Govt. of India under the Extra Prov. Jurisdiction Act. 1947, authorise the Collector and D.M. Bellary to exercise the powers of D.M. etc of Sandur referred to at Para 2 p. 2 Cf.

(2)

3 Item (i) above. It is not clear whether this authorisation may be given retrospectively from 1.4.49 (the date of merger) so that the D.M. Bellary himself may accord sanction for the prosecution of Jagannath Rao for offences committed by him on 1.4.49 under the Sandur Arms Act & the Govt's notification delegating to this Govt powers under the Extra Prov. Jurisdiction Act dated 19th April 49). Such may be readily so advised.

(2)

3 If it is considered that such retrospective effect cannot be given this Govt may be requested to have relevant papers

of paras 1 to 3 of the ...
take necessary action ...
for the prosecution of ...
~~...~~
may be sent to ...

1 S 49. 2-5-49. 3-6-49. ...

Legal Department

5592

The notification delegating to this Government the Central Government's powers under the Extra-Provincial Jurisdiction Act, 1947, is dated 19-4-49. The question now is who is to accord sanction for the prosecution. New that the Provincial Government have power to make orders under the Central Act, they can either themselves sanction the prosecution or authorise the D.M. to do so, and it is immaterial that the offence was committed before the 19th April 1949.

ASSISTANT SECRETARY 4 MAY 1949 LEGAL DEPARTMENT

... 5-5-49 ... 4-5-49

The note of Pub Pol on the above note p/1-2 ante and Legal Dept note on p/1 may be perused.

The Indian Arms Act and Rules have not been extended by the Govt of India to Sandur State as yet. Since the Provl Govt is empowered to administer the State under the Extra Provl Jurisdiction Act., the D.M. Bellary is empowered to sanction prosecution under the Sandur State Act. irrespective of the fact whether the incident happened prior to the merging of Sandur State.

Legal No 5592/49.1

10.5.49

From Retd

Please see the Pub(Poll) and Legal d[illegible] ante pages .-2 ante.

Though Sandur has merged with the Indian [illegible] with effect from [illegible], the Indian Extra Provincial Jurisdiction Act has not been extended to Sandur so far. [illegible] this is done action will have to be taken under the Extra Provincial Jurisdiction as in force in Sandur. The DM Bellary has stated that under the Sandur Transfer the DM Sandur is the authority competent to sanction prosecution. Apparently the post of DM Sandur is not in existence now. The question, therefore, arises as to who is the competent authority to sanction prosecution under the Sandur Transfer Act.

The Legal Asst are of opinion that the Govt can themselves sanction prosecution or authorise the DM Bellary to do so. As the DM Bellary is in favour of his being empowered to exercise all the powers of the DM Sandur under the Sandur Transfer Act, this asst may suggest that he may be authorised to exercise all the powers of the DM Sandur under the Sandur Transfer Act in addition to all his State Revenue powers. This case will be covered by the general delegation contemplated by Public vide para 2,b ante when this is done there will be no need for Govt to sanction prosecution in the particular case referred to in paras .-2 ante.

May be returned to the Hon'ble Minister

17-5-49.

PS 17/5/49 [illegible] 18/5

Pub (Poll)

Home A.O.No. 40843 G/69-1 1915.

ASSISTANT SECRETARY TO GOVT. 3171 19 MAY 1949 CHIEF SECRETARIAT

Pub.(Poll.)Dentt.

The notes of Legal and Home above may be perused. Legal are of opinion that as the Central Govt. have delegated their powers under the Extra Provincial Jurisdiction Act,1947 to the Provincial Government, the Provincial Govt. may either sanction the prosecu-

4/

prosecution or authorise [illegible]

[illegible] 3

[illegible] 7 JUN 49

[illegible] 50999

~~sue for acceptance and~~ [illegible]

1/ Orders in this case have to [illegible]
31/1/49 the Home Depm. Pl. [illegible]

Cue
2-6-49.

4/
4/6/49

Home

Home Deptt.

This dept last noted at p 3 ante the consequent notes of Public (Poll) may be read.

2. Public (Poll) agree that the Dy Baliary may be empowered to exercise all the powers of the Dy Sandur under the State Regulations and say that this dept will have to issue orders. It is not clear if by this dept should issue general order of the kind. It would appear more appropriate that [illegible] issue a general order especially when they propose to consider requests (ii) and [illegible] on p 2 c ante – vide 3 above. For orders whether the file may be returned to Pub (Poll). Home is concerned with Dy Hs.

3 As regards sanctioning prosecution under the Arms Act – vide para 2, p. c ante – it has already been noted that if general orders are issued to be published, there is no need to issue a separate order in respect of this particular case. However if it is considered desirable to issue a separate order in this case sanctioning

~~C.M. 50696~~

C.M. 50696

G

S

prosecution in this particular case, a draft will be put up.

Through D & E Read 17.6.49

15/6/49

Orders may be issued in the Draft authorizing the D.M. to exercise the powers of D.M. under the Sandur Arms Act and the case thereafter transferred to Public for issue of orders on the general questions raised by the D.M.

PS 17/6/49

18/6/49

20.6.49

A draft order is submitted for approval. [After issue the file may go to Public & Relevant extracts will be taken and recorded in this dept for future reference] Legal may ~~be kind~~ scrutinise the draft before issue.

21/6/49

PS 22/6/49 Legal

Home U.O. 50696 G/49 22.6.49.

LEGAL DEPARTMENT.

It is stated at X on p.1 c.f., that under section 25 of the Sandur Arms Act (a copy of which is not in the fil the District Magistrate, Sandur, is the competent authority for sanctioning prosecutions for offences under section 15(f) of that Act. If is not known whether reference is made in that Act to "District Magistrate" or "District Magistrate, Sandur". It is also necessary to refer to the Act by its correct short title. Home may kindly obtain and put up a copy of the Sandur Arms Act.

ASSISTANT SECRETARY 7839 23JUN1949 LEGAL DEPART...

A

Legal U.O. No. 7839/49-1 22.6.49

ASSISTANT ... TO GOVERNMENT 2 JUN 49 HOME ...

2.7.49 Home

Home Dept

With reference to A above a draft memo is submitted for approval. After issue, relevant

58223 6/11

6

extracts will be taken for certain ... and the file passed on to the ...

30/6/49.

Issued as Memo No. 5009 ... from the DM Bellary ...

The DM Bellary has forwarded ... Act and Rules as in force ... title of the Act is Saurashtra ... A reference is invited in the ... MS 2.1.49 Prob(Poll)- dated ... has been authorised to ... Magistrate under the Law ... State. In view of this general order, ... now to authorise the DM ... of a DM under the Saurashtra ... this file. The file may therefore be ... They may be requested to ... Law: Manual to the DM Bellary, as ...

12.7.49

... with Prok.

Legal Opn

Seen in Legal. ... Home No. 5069 GG/GG3

Arms Act refers only to ... general order issued in (E) ... and no separate authorisation ... to exercise the powers of ... Arms Act is necessary. I agree.

14.7.49 15/7/49

... (Political)

ASSISTANT SECRETARY 8869 13 JUL 1949 LEGAL DEPARTMENT

1317

Public (Political) Department

Previous notes of this department is at p. p 3-4 ante
Further notes of Home and Legal pers p. 4 ante
may be perused. The collector of Bellary may
be informed as at R on p. 6 ante.

draft memo is submitted pr. approval. Home
may see before issue.

22/7/49

Cur
20.7.49.

18/7/49

ASSISTANT SECRETARY TO GOVERNMENT
08704
25 JUL 1949
HOME DEPARTMENT

Pub (Pol) no
4310/49-1
22.7.49
(with work).
↓
Putup

Home (G) Deptt

The last note of this dept is on
p. 6 ante. and the subsequent notes of Legal
and Pub (Pol) from the bottom of p 6 ante
and the draft Memo below may be
perused and the file returned to
Pub. (Pol) no.

27/7 27.7.49

29/7/49 Pub (Pol.)

Home no
68764 G/49
29.7.49
4588
JUL 1949

Public (Political) deptt.

Home have seen the draft memo below.
It may now issue.

30/7/49 Cur
30.7.49

1/8/49

G.S.

p 7 cf. (issued as memo no 4310/49-2 d 2/8/49.)

The papers may be recorded as a ~~Miscellaneous~~ M.S.
G.O. to facilitate future reference

G.O.Ms.No. 2701 dated 12/8/49 M.S.
States - Sandur - Ranger -
Offences under Sandur
Arms Act - Prosecution -
Sanctioned - Papers recorded -

9/8/49 Cur
10.8.49.

11/8/49